



AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 11047.03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Joseph J. KIRKLAND, et al.

Serial No.: 10/694,918

Examiner: C.P. Cooke

Filing Date: October 28, 2003

Group Art Unit: 1754

Title: POROUS SILICA MICROSPHERE SCAVENGERS

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

TERMINAL DISCLAIMER
RESPONSIVE TO A DOUBLE PATENTING REJECTION

Sir:

Petitioner, Agilent Technologies Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 6,482,324 to Agilent Technologies Inc., which issued on November 19, 2002 and is commonly owned by Applicant. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

08/03/2005 SZEWDIE1 00000020 10694918

01 FC:1814

130.00 DP

Adjustment date: 09/23/2005 CKHLOK

08/03/2005 SZEWDIE1 00000020 10694918

01 FC:1814

-130.00 DP

Repln: Ref: 09/23/2005 CKHLOK 0013035200

DA#501078 -- Name/Number: 10694918

FC: 9204

\$130.00 CR

Rev 06/03 (Term.DS)

AGILENT TECHNOLOGIES, INC.
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Intellectual Property Administration
P.O. Box 7599
Loveland, Colorado 80537-0599



PATENT APPLICATION
Attorney Docket No. 11047.03

DAC/14
IFW

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Joseph J. KIRKLAND, et al.

Confirmation No.: 5101

Application No.: 10/694,918

Examiner: C.P. Cooke

Filing Date: October 28, 2003

Group Art Unit: 1754

Title: POROUS SILICA MICROSPHERE SCAVENGERS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Sir:

This renewed petition to revive the above-identified application is in response to the Decision on Petition dated June 2, 2005. Please consider this renewed petition as follows:

1. This application became abandoned on November 18, 2004.
2. This application became abandoned because of an unintentional delay causing a failure to prosecute. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.
3. Response or action required: A response under 37 CFR 1.111 is enclosed herewith.
4. Terminal disclaimer 37 CFR 1.137(c): Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

Please find enclosed a check in the amount of \$1,500.00 to cover the Petition fee. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

In addition, please find enclosed a *Supplemental Application Data Sheet* as well as a *Change of Address in a Pending Application* to update correspondent address information.

Should the Commissioner require anything further in order to fulfill this petition, he is invited to contact the undersigned at the telephone number listed below.

08/03/2005 SZEWDIE1 00000019 10694918

01 FC:1453

1500.00 OP

Respectfully submitted,

Scott D. Rothenberger
Attorney/Agent for Applicant(s)
Reg. No. 41,277

Date: August 2, 2005

Telephone No.: (612) 340-2600

Adjustment date: 09/23/2005 CKHLOK
08/03/2005 SZEWDIE1 00000019 10694918
01 FC:1453 -1500.00 OP

Rep In: Ref: 09/23/2005 CKHLOK 0013021900
Date: 08/03/2005 Name/Number: 10694918
FC: 9204 \$1500.00 CR

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND										
1 Date of Request: <u>9/14/05</u>		2 Serial/Patent # <u>10/694,918</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT						
	Filing			\$						
	Amendment			\$						
	Extension of Time			\$						
	Notice of Appeal/Appeal			\$						
<input checked="" type="checkbox"/>	Petition		8/2/05	\$ 1500						
	Issue			\$						
	Cert of Correction/Terminal Disc.			\$						
	Maintenance			\$						
	Assignment			\$						
<input checked="" type="checkbox"/>	Other (TD Fee)		8/2/05	\$ 130						
			7 TOTAL AMOUNT OF REFUND							
			\$ 1630							
8 TO BE REFUNDED BY:										
		Treasury Check								
		Credit Deposit A/C #:								
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10 REASON:										
	Overpayment									
<input checked="" type="checkbox"/>	Duplicate Payment _s									
	No Fee Due (Explanation):									
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>Denise Pothier</u>		TITLE: <u>Pet. Ex.</u>								
SIGNATURE: <u><i>Denise Pothier</i></u>		PHONE: <u>2-4787</u>								
OFFICE: <u>O/P</u>										
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****										
APPROVED: <u><i>[Signature]</i></u>		DATE: <u>9/23/05</u>								

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: